



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1564

Introduced 2/9/2007, by Sen. Bill Brady

#### SYNOPSIS AS INTRODUCED:

210 ILCS 85/10.5 new

Amends the Hospital Licensing Act. Provides that a hospital medical staff's right of self-governance includes: (1) establishing, in medical staff bylaws, rules, or regulations, criteria and requirements for medical staff membership and privileges, and enforcing those criteria and requirements; (2) establishing, in medical staff bylaws, rules, or regulations, clinical criteria and requirements to oversee and manage quality assurance, utilization review, and other medical staff activities including, but not limited to, periodic meetings of the medical staff and its committees and departments and review and analysis of patient medical records; (3) selecting and removing medical staff officers; and other matters. Sets forth requirements for medical staff bylaws. Provides that neither the medical staff nor the hospital governing board may unilaterally amend, change, or otherwise alter adopted medical staff bylaws. Provides that with respect to any dispute arising under these provisions, the medical staff and the hospital governing board shall meet and confer in good faith to resolve the dispute; authorizes the medical staff to seek judicial relief if reasonable efforts have failed to resolve a dispute.

LRB095 03569 DRJ 23575 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by adding  
5 Section 10.5 as follows:

6 (210 ILCS 85/10.5 new)

7 Sec. 10.5. Medical staff self-governance.

8 (a) The General Assembly finds and declares that providing  
9 quality medical care in hospitals depends on the mutual  
10 accountability, interdependence, and responsibility of the  
11 medical staff and the hospital governing board for the proper  
12 performance of their respective obligations.

13 The General Assembly further finds and declares that both  
14 the governing board and the medical staff of a hospital must  
15 act to protect the quality of medical care provided. Nothing in  
16 this Act shall be construed to undermine this authority. The  
17 final authority of the hospital governing board may be  
18 exercised for the responsible governance of the hospital or for  
19 the conduct of the business affairs of the hospital; that final  
20 authority may be exercised, however, only with a reasonable and  
21 good faith belief that the medical staff has failed to fulfill  
22 a substantive duty or responsibility in matters pertaining to  
23 the quality of patient care. It would be a violation of the

1 medical staff's self-governance and independent rights for the  
2 hospital governing board to assume a duty or responsibility of  
3 the medical staff precipitously, unreasonably, or in bad faith.

4 Finally, the General Assembly finds and declares that the  
5 specific actions that would constitute bad faith or  
6 unreasonable action on the part of either the medical staff or  
7 the hospital governing board will always be fact-specific and  
8 cannot be precisely described in statute. The provisions set  
9 forth in this Section do nothing more than provide for the  
10 basic independent rights and responsibilities of a  
11 self-governing medical staff. Ultimately, a successful  
12 relationship between a hospital's medical staff and governing  
13 board depends on the mutual respect of each for the rights and  
14 responsibilities of the other.

15 (b) The medical staff's right of self-governance includes,  
16 but is not limited to, all of the following:

17 (1) Establishing, in medical staff bylaws, rules, or  
18 regulations, criteria and requirements, consistent with  
19 Section 10.4 of this Act, for medical staff membership and  
20 privileges, and enforcing those criteria and requirements.

21 (2) Establishing, in medical staff bylaws, rules, or  
22 regulations, clinical criteria and requirements to oversee  
23 and manage quality assurance, utilization review, and  
24 other medical staff activities including, but not limited  
25 to, periodic meetings of the medical staff and its  
26 committees and departments and review and analysis of

1 patient medical records.

2 (3) Selecting and removing medical staff officers.

3 (4) Assessing medical staff dues and utilizing the  
4 medical staff dues as appropriate for the purposes of the  
5 medical staff.

6 (5) The ability to retain and be represented by  
7 independent legal counsel.

8 (6) Initiating, developing, and adopting medical staff  
9 bylaws, rules, and regulations, and amendments thereto,  
10 subject to the approval of the hospital governing board,  
11 which approval shall not be unreasonably withheld.

12 (c) The medical staff bylaws shall not interfere with the  
13 independent rights of the medical staff to do any of the  
14 following, but shall set forth the procedures for:

15 (1) Selecting and removing medical staff officers.

16 (2) Assessing medical staff dues and utilizing the  
17 medical staff dues as appropriate for the purposes of the  
18 medical staff.

19 (3) The ability to retain and be represented by  
20 independent legal counsel.

21 (d) Neither the medical staff nor the hospital governing  
22 board may unilaterally amend, change, or otherwise alter  
23 adopted medical staff bylaws.

24 (e) With respect to any dispute arising under this Section,  
25 the medical staff and the hospital governing board shall meet  
26 and confer in good faith to resolve the dispute. Whenever any

1 person or entity has engaged in or is about to engage in any  
2 act or practice that hinders, restricts, or otherwise obstructs  
3 the ability of the medical staff to exercise its rights,  
4 obligations, or responsibilities under this Section, the  
5 circuit court of any county, on application of the medical  
6 staff, and after determining that reasonable efforts,  
7 including reasonable administrative remedies provided in the  
8 medical staff bylaws, rules, or regulations, have failed to  
9 resolve the dispute, may issue an injunction, writ of mandamus,  
10 or other appropriate order.